

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
TIME SQUARE CONSTRUCTION, INC.,

Plaintiff,

-against-

BUILDING AND CONSTRUCTION TRADES COUNCIL
OF GREATER NEW YORK, ENTERPRISE
ASSOCIATION OF STEAMFITTERS LOCAL 638 OF
THE UNITED ASSOCIATION, CEMENT AND
CONCRETE WORKERS LOCAL 20 OF THE LABORERS
INTERNATIONAL UNION OF NORTH AMERICA,
UNITED BROTHERHOOD OF CARPENTERS &
JOINERS OF AMERICA LOCAL 608, LOCAL #46
METALLIC LATHERS UNION AND REINFORCING
IRONWORKERS OF NEW YORK AND VICINITY OF
THE INTERNATIONAL ASSOCIATION OF BRIDGE,
STRUCTURAL, ORNAMENTAL AND REINFORCING
IRON WORKERS, INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 14-14B,
INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 15D, AFFILIATED WITH THE
AFL-CIO, LABORERS LOCAL 79, A CONSTITUENT
LOCAL UNION OF THE MASON TENDERS DISTRICT
COUNCIL OF GREATER NEW YORK, AFFILIATED
WITH LABORERS INTERNATIONAL UNION OF
NORTH AMERICA, MASON TENDERS DISTRICT
COUNCIL OF GREATER NEW YORK, DISTRICT
COUNCIL OF NEW YORK CITY AND VICINITY OF
THE UNITED BROTHERHOOD OF CARPENTERS,
JOINERS OF AMERICA, AFL-CIO AND LOCAL 3,
INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS AND TEAMSTERS LOCAL 282 A/W
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
AFL-CIO,

Defendants.
----- X

07 Civ. 7403
(Sullivan, J.)

**ANSWER OF DISTRICT
COUNCIL OF CEMENT &
CONCRETE WORKERS
UNION, LIUNA**

Defendant, District Council of Cement & Concrete Workers Union, LIUNA, s/h/a
Cement and Concrete Workers Local 20 of the Laborers International Union of North
America ("District Council"), by its attorneys Pitta & Dreier, LLP, hereby answers the
complaint as follows:

NATURE OF THIS ACTION

1. Admits that this is an action seeking damages pursuant to Section 303 of the Labor Management Relations Act of 1947, 29 U.S. C. § 187 (the "LMRA"), but denies each and every remaining allegation of paragraph 1 of the complaint.

JURISDICTION AND VENUE

2. Admits the allegations of paragraph 2 of the complaint, except denies that plaintiff has a valid claim under the LMRA as against the District Council.

3. Admits that the venue of this Court is proper as set forth in paragraph 3 of the complaint, except denies that the District Council committed any acts in violation of the LMRA.

THE PARTIES

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the complaint.

5. Admits the allegations of paragraph 5 of the complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 of the complaint.

7. Admits the allegations of paragraph 7 of the complaint, except denies that that its principal office is located at 3636 33rd Street, Long Island City, New York.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8 of the complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9 of the complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10 of the complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11 of the complaint.

12. Denies knowledge or information sufficient to form a belief as the truth of the allegations of paragraph 12 of the complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13 of the complaint.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14 of the complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15 of the complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16 of the complaint.

FACTS

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17 of the complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18 of the complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 19 of the complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 20 of the complaint.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21 of the complaint.

22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 22 of the complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 23 of the complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 24 of the complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 25 of the complaint.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 26 of the complaint.

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 27 of the complaint.

28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 28 of the complaint.

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 29 of the complaint.

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 30 of the complaint.

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 31 of the complaint.

32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 32 of the complaint.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 33 of the complaint.

34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 34 of the complaint.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 35 of the complaint.

36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 36 of the complaint.

37. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 37 of the complaint.

38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 38 of the complaint.

39. Denies knowledge or information sufficient to form a belief as the truth of the allegations of paragraph 39 of the complaint.

40. Denies each and every allegation of paragraph 40 of the complaint.

41. Denies each and every allegation of paragraph 41 of the complaint.

42. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 42 of the complaint.

43. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 43 of the complaint.

44. Denies each and every allegation of paragraph 44 of the complaint.

45. Denies each and every allegation of paragraph 45 of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

46. The complaint fails to state facts sufficient to constitute a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

47. The District Council did not direct, authorize, induce, or encourage its members to engage in the complained of activity.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

48. The District Council did not sanction or ratify any of the complained of activity.

WHEREFORE, Defendant, District Council of Cement & Concrete Workers Union, LIUNA, s/h/a Cement and Concrete Workers Local 20 of the Laborers International Union of North America, respectfully request that the complaint be dismissed in its entirety, and that it be awarded its reasonable costs incurred in defending this action, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
September 11, 2007

Respectfully submitted,

PITTA & DREIER, LLP

By: 

Bruce A. Cooper (BC 2764)

Attorneys for Defendant

District Council of Cement & Concrete
Workers Union, LIUNA, s/h/a Cement and
Concrete Workers Local 20 of the Laborers
International Union of North America

499 Park Avenue, 15th Floor

New York, New York 10022

(212) 652 - 3890

(212) 652 - 3891

Of counsel:
Michael D'Angelo (MD 3030)